GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TWD- LTR - East Godavari District- Revision Petition filed by Smt Karri Satyavathi W/o. Satyanarayana and Smt Bandarpalli Laxmi W/o. Mohan Rao (L.R's of Sri Karumanchi Venkata Ramaiah)(NTs) before the Government against the orders of the Additional Agent to Government, Bhadrachalam, Khammam District in I.A.No.67/2003 dt.28.07.07 in respect of land adm.Ac.4.26 gts in Sy.No.65 situated at Kondapalli (V), Kukunoor (M), Khammam District – Allowed in part – Orders – Issued.

SOCIAL WELFARE (TW.LTR-2) DEPARTMENT

G.O.MS.No. 137 **Dated: 21-08-2018**

Read the following:-

1. Revision Petition filed by Smt Karri Satyavathi W/o. Satyanarayana and Smt Bandarpalli Laxmi W/o. Mohan Rao (L.R's of Sri Karumanchi Venkata Ramaiah)(NTs) Dated: 24.11.2007.
2. Govt. Memo No.8445/LTR-2/2007-1, Dt.02.01.2008.
3. From the Additional Agent to Government, Bhadrachalam RP.No.8445/LTR-2/2007-1, dt.21.11.2008.
4. Govt. Lr. No.8445/LTR-2/2007, Dt.19.03.2018 & 06.06.2018.

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ORDER:

In the reference 1st read above, Smt Karri Satyavathi W/o.Satyanarayana and another (LRs of Sri Karumanchi Venkata Ramaiah, (NTs) have filed Revision Petition before the Government against the orders of the Additional Agent to Government, Bhadrachalam, Khammam District in I.A.No.67/2003 dt.28.07.07 in respect of land adm.Ac.4.26 gts in Sy.No.65 situated at Kondapalli (V), Kukunoor (M), Khammam District.

2. In the reference 2nd read above, the Additional Agent to Government & Project Officer, Khammam District was requested to send parawise remarks and connected case records in the matter immediately, so as to dispose off the Revision Petition at Government level.

3. The Additional Agent to Government, Bhadrachalam has submitted the parawise remarks together with the connected records vide reference 3rd read above.

4. In the reference 4th read above the petitioners were called for the hearing along with the written arguments and record. The case has heard on 19.05.2018 and finally heard on 23.06.2018. During the course of hearing of the case that the Revision Petitioners submitted their argument and as per their grounds in Revision Petition and also filed written arguments.

5. On verification of documents and the grounds of Revision and Para wise remarks as well as the other documents and material available on the record it is noticed that originally Sri Karumanchi Venkata Ramaiah filed a case in LTR No. H.29/2002/KKR before the Primary Authority against one Sri Kakirikanti Ramaiah and when the case called both the parties absent and basing the report of the Mandal Revenue Officer, Kukunoor held that the transfer of immovable property was made by non tribe to another non tribe after 1978 in contravention of regulations held the transaction is null and void order for ejectment.

6. The contention of the appellants in IA No.67/2003 is that both the Sri Karumanchi Venkata Ramaiah and Sri Kakirikanti Ramaiah were died and Lower Authority without giving the notices to their LRs disposed the case and they were not aware of pending of LTR case and on that the Appellant Authority observed that one non tribal is in possession of the land of another non tribal which is contrary to the regulations and found that Lower Authority decided the matter rightly and dismissed the appeal.

7. That as seen from the record that an opportunity shall be given to the person to substantiate his contention before passing the ejectment order and in the instant case the same is absent since the case is filed by the person who claiming the rightful owner of the land. Admittedly the case was disposed off by the lower authority without giving any opportunity to the parties therein.

8. The contention of the Revision Petitioners is that there is violations of the transactions and their father is the rightful owner and they succeeded the same after his demise and they are in continuous possession enjoyment of the same even as per the revenue records.

9. That considering the above material that in the considered opinion the orders of the Lower Authorities cannot be sustained when the opportunity was not given to the persons to substantiate their contention before passing the ejectment order.

10. In the result, the Revision Petition is allowed in part by setting aside the orders of the Primary Authority and Appellant Authority and the matter is remanded to the Primary Authority for enquiry afresh for giving opportunity to both the parties with a direction to dispose the matter within a period of six months on receipt of the order as per law independently uninfluenced by the observations made herein.

11. The Collector & District Magistrate, East Godavari District, Kakinada/ Additional Agent to Government, Ramapachodavaram, East Godavari District is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records which are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S.RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To
The Collector, East Godavari District, Kakinada.
The Additional Agent to Government & Project Officer, I.T.D.A, Rampachodavaram, East Godavari District (w.e)
The Special Deputy Collector, Rampachodavaram, East Godavari District.
Sri Bagam Madhavarao, Advocate, Court Buildings, Kothagudem, Khammam District.
Smt Karri Satyavathi W/o.Satyanarayana R/o.Nandigamapadu (V), Bhadrachalam (M), Khammam District.
Smt Bandarupalli Laxmi W/o.Mohan Rao, R/o.Gannavaram (V), Bhadrachalam (M), Khammam District.
Sri Nakirikanti Satyam S/o.Late Ramaiah,
Sri Nakirikanti Venkatewara Rao S/o.Ramaiah,
Sri N.Krishnarjuna Rao, S/o.Ramaiah,
Sri N.Narasimha Rao S/o.Late Ramaiah,
(All are R/o. Konapalli (V), Kukunur (M), Khammam District)
Copy to:
The P.S. to Hon'ble Minister (SWE & TWE)
The P.S. to Principal Secretary (TW)
Sf/Sc

//FORWARDED:: BY ORDER //

SECTION OFFICER